



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,950	03/29/2004	Joseph M. Jeddeloh	33582/US	4911

7590 08/10/2005

Edward W. Bulchis, Esq.  
DORSEY & WHITNEY LLP  
Suite 3400  
1420 Fifth Avenue  
Seattle, WA 98101

EXAMINER
----------

SHIN, CHRISTOPHER B

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

45

## Office Action Summary

Application No.

10/812,950

Applicant(s)

JEDDELOH, JOSEPH M.

Examiner

Christopher B. Shin

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 11, 13-14, 31-33 & 35-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12 sheets</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. Response to election/restriction filed/received June 24, 2005 has been entered and carefully considered. Claims 1-42 are pending in the application; claims 2, 5-10, 12, 15-20, 22, 34 and 37-42 have been withdrawn by the applicant from consideration; applicant elected generic claims 1, 11, 21 and 31-33 and claims 3-4, 13-14, 23-24 and 35-36.

2. Applicant is reminded that an applicant's duty of disclosure of material and information is not satisfied by presenting a patent examiner with "a mountain of largely irrelevant (material) from which he is presumed to have been able, with his expertise and with adequate time, to have found the critical (material). It ignores the real world conditions under which examiners work." *Rohm & Haas Co. v. Crystal Chemical Co.*, 722 F.2d 1556, 1573 ( 220 USPQ 289 ) (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) (Emphasis in original). Patent applicant has a duty not just to disclose pertinent prior art references but to make a disclosure in such way as not to "bury" it within other disclosures of less relevant prior art; See *Go/den Valley Microwave Foods Inc. v. Gealer Popcorn Co. /nc.*, 24 USPQZd 1801 (N.D. Ind. 1992)., *Molins PLC v. Textron Inc.*t 26 USPQZd 1889, at 1899 (D.Del. 1992)., *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc. et al.*, 175 USPQ 260, at 272 (S.D. Fl. 1972).

Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inca*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), aff 'd,

Art Unit: 2182

479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), cert. denied, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

Please note that it is the applicant's duty to particularly point out any highly relevance material amongst the references cited in the IDS. A cursory review of the submitted references was performed by the examiner under the condition noted above.

### ***Allowable Subject Matter***

3. After careful search and consideration of the present claimed invention, the examiner finds the combinations of the claims 21-30 allowable over the prior art of record. The examiner suggests the applicant to cancel the withdrawn claims and the following rejected claims to move the case in condition for allowance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-4, 11, 13-14, 31-33 & 35-36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Cho et al. (6,526,483).

In figures 1-3 and the respective descriptive sections, Cho reference teaches all the equivalent limitations of the claimed invention; therefore, the claimed invention of the claims 1, 3-4, 11, 13-14, 31-33 & 35-36 are clearly anticipated by the teachings of the Cho reference.

6. Claims 31-33 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Maiyuran et al. (2003/0229762).

In figures 1 & 3 and the respective descriptive sections, Maiyuran reference teaches all the equivalent limitations of the claimed invention; therefore, the claimed invention of the claims 1, 3-4, 11, 13-14, 31-33 & 35-36 are clearly anticipated by the teachings of the Maiyuran reference.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher B. Shin whose telephone number is 571-272-4159. The examiner can normally be reached on 6:30-5:00 M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4157. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Shin  
Primary Examiner  
Of 2182

August 4, 2005  
cbs

A handwritten signature in black ink, appearing to be 'CSH', written over the printed name of Christopher Shin.